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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BANQUE SYZ & CO., SA,

Defendant.

Adv. Proc. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 11-02149 (CGM)

**MOTION AND NOTICE OF
DEFENDANT BANQUE SYZ
SA'S MOTION TO DISMISS
THE COMPLAINT**

Banque Syz SA (“**Banque Syz**”), Defendant in the above-captioned adversary proceeding, moves to dismiss (the “**Motion to Dismiss**”) the Complaint, ECF 1, under Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7012, on the ground that the Court lack personal jurisdiction over the defendant and that the Complaint fails to state a claim on which relief may be granted.¹

In support of the Motion to Dismiss, Banque Syz submits the contemporaneously filed (i) *Banque Syz SA’s Memorandum Of Law In Support Of Its Motion To Dismiss The Complaint*, and (ii) *Request For Judicial Notice In Support Of Defendant Banque Syz SA’s Motion To Dismiss The Complaint* with accompanying *Declaration Of Richard Levin*.

In accordance with the Stipulation and Order dated December 7, 2021, ECF 147, the deadline for any response to the Motion to Dismiss is March 29, 2022.

A hearing on the Motion to Dismiss will be held before the Honorable Cecelia G. Morris on May 18, 2022 at 10:00 a.m. Eastern Daylight Time. The hearing will be conducted via Zoom®. Parties wishing to participate in the hearing must register their appearance utilizing the Electronic Appearance portal located on the Court’s website at: <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>. Appearances must be entered no later than 4:00 p.m. Eastern Daylight Time on May 17, 2022. Additional information concerning how to participate in the hearing is available in the Court’s Zoom Video Hearing Guide, available at: <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

¹ In accordance with Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Banque Syz does not consent to the entry of final orders or judgment by this Court.

Dated: January 28, 2022,
New York, New York

Respectfully submitted,

By: /s/ Richard Levin
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